

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4573 of 2015

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1. "M/s SAGAR ENTERPRISES" at Barahat, Ishipur (Pirpanti) P.S.- Ishipur, District- Bhagalpur, through its Proprietor Sri Shailendra Kumar.
 2. SHAILENDRA KUMAR, son of Sri Sudama Prasad Rama, resident of Barahat, Ishipur (Pirpanti) P.S.- Ishipur, District- Bhagalpur, Proprietor of "M/s SAGAR ENTERPRISES".

.... Petitioners

Versus

1. The State of Bihar, through the Chief Secretary, Government of Bihar at Patna.
2. The Principal Secretary, Rural Works Department, Government of Bihar, at Patna.
3. The Engineer-in-Chief, Rural works Department, Government of Bihar, at Patna.
4. The Chief Engineer-2, Rural Works Department, Government of Bihar, at Patna.
5. The Superintending Engineer, Rural Works Department, Works Division Bhagalpur at Bhagalpur.
6. The Executive Engineer, Rural Works Department , Works Division Bhagalpur at Bhagalpur.
7. Alok Ranjan, son of Sri Umesh Prasad Singh, resident of Anandgarh Colony, Jail Road, Tilkamanjhi, P.S.- Tilkamanjhi, District- Bhagalpur.

.... Respondents

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Appearance :

For the Petitioner : Mr. Diwakar Upadhyaya, Advocate
For the State : Dr. A. Shakoor, AC to GP 29

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

2 08-05-2015 Heard learned counsel for the petitioners and the State.

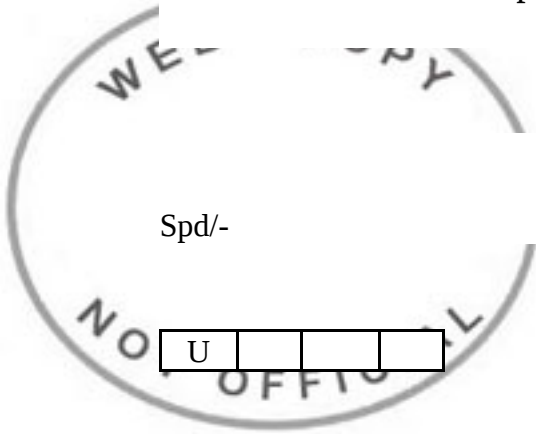
It is submitted on behalf of the petitioner that despite the issue raised by the petitioners on the date itself on which the technical bid was opened as he had informed the Executive Engineer, Rural Works Department, Bhagalpur Works Division vide Annexure 5 regarding the concealment of fact by



the respondent no. 7 nothing was done. Thereafter, he again represented before the Chief engineer II, Rural Works Department regarding the same issue on 19.2.2015. No decision could be taken either by the Executive Engineer or the Chief Engineer II and in final bid respondent no. 7 has been declared successful and now the agreement has also been executed in favour of respondent no. 7 during the pendency of the writ application. The petitioners have also obtained information under Right to Information Act regarding the issue raised by him and has given a copy thereof to the concerned Chief Engineer II. However, even then the matter has remained pending before him and agreement has been executed in favour of respondent no. 7.

In above view of the matter, this matter is being disposed of, without going into the merit of the case, with a direction to the respondent no. 4 (the Chief Engineer II) to take a decision on its own merit and in accordance with law upon the representation which was filed by the petitioners, a copy of which has been appended as Annexure 6, which appears to have been received by him on 20.2.2015 itself. The decision should be taken by him after granting opportunity to all the concerned and that should be a reasoned and speaking order. It is expected that

such decision would be taken within four weeks from the date of receipts / production of a copy of this order.



(Dr. Ravi Ranjan, J)